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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/565,647	03/27/2006	Massimo Marocco	2507-1078	2642
466	7590	04/03/2008	EXAMINER	
YOUNG & THOMPSON 209 Madison Street Suite 500 ALEXANDRIA, VA 22314				PHAM, THOMAS K
ART UNIT		PAPER NUMBER		
2121				
MAIL DATE		DELIVERY MODE		
04/03/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/565,647	<b>Applicant(s)</b> MARROCCO, MASSIMO
	<b>Examiner</b> Thomas K. Pham	<b>Art Unit</b> 2121

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

1) Responsive to communication(s) filed on 27 March 2006.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

4) Claim(s) 12-23 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 12-23 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_

5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_

**First Action on the Merits**

1. Claims 12-23 of U.S. Application 10/565,647 filed on 03/27/2006 are presented for examination.

**Quotations of U.S. Code Title 35**

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The claims and only the claims form the metes and bounds of the invention. “Office personnel are to give claims their broadest reasonable interpretation in light of the supporting disclosure. *In re Morris*, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023, 1027-28 (Fed. Cir 1997). Limitations appearing in the specification but not recited in the claim are not read into the claim. *In re Prater*, 415 F.2d 1393, 1404-05, 162 USPQ541, 550-551 (CCPA 1969)” (MPEP p2100-8, c 2, I 45-48; p 2100-9, c 1, I 1-4). The Examiner has full latitude to interpret each claim in the broadest reasonable sense. The Examiner will reference prior art using terminology familiar to one of ordinary skill in the art. Such an approach is broad in concept and can be either explicit or implicit in meaning.

### **Information Disclosure Statement**

5. The information disclosure statement (IDS) submitted on 1/24/2006 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

### **Claim Rejections - 35 USC § 102**

6. Claims 12, 13 and 15-23 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,421,204 ("Svaty").

As to claims 12, 13 and 15-23, Svaty teaches a system for monitoring and evaluating of the structures integrity of transmission towers, buildings, bridges, freeway overpasses and the like for determining damage or movement in the structure being monitored (e.g. col. 2 lines 29-45). The system includes one or more strain sensors attached to the structure at selected points where the data collected to be processed by controller 18 (e.g. col. 4 lines 21-26 and lines 57-68) for detecting change due to age and deterioration of the structure and providing report of the evaluation and decisions as to structural maintenance and replacement may be made to ensure safety (e.g. col. 6 lines 8-25). Data are collected in real-time and compare to a baseline data to determine the integrity of the structure (e.g. col. 5 lines 46-63).

### **Claim Rejections - 35 USC § 103**

7. Claim 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,421,204 ("Svaty") in view of U.S. Patent No. 5,657,003 ("Fuentes").

As to claim 14, Svaty does not specifically disclose characterized in that the control station (C) is equipped with means for communicating with the outside and/or with a broader monitoring network including several building structures, as well as the main offices of firemen, hospitals, police and all those aid and/or security forces which have to intervene in case of emergency and danger for the safety of people or things.

However, Fuentes teaches a structure movement monitoring and emergency alarm system that would notify places around a disaster site in critical locations such as rescue worker upon a natural or manmade disaster which impacts the structural integrity of buildings bridges or other large structures in a location in most danger of collapsing (e.g. col. 5 lines 1-29).

Svaty and Fuentes are analogous art because they are in the same field of endeavor of detecting a structure integrity of a structure.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the alarm notification of Fuentes with the teaching of Svaty because it would provide for the purpose of alarming persons in the vicinity of impending danger or structure collapse about to happen.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner *Thomas Pham*; whose telephone number is (571) 272-3689, Monday - Friday from 7:30 AM - 4:00 PM EST or contact Supervisor *Mr. Albert Decady* at (571) 272-3819.

Any response to this office action should be mailed to: **Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450**. Responses may also be faxed to the **official fax number (571) 273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**Thomas Pham**

/Thomas K Pham/  
Primary Examiner, Art Unit 2121

April 3, 2008